

REMARKS

The amendments to paragraphs 40 and 41 are intended to conform the Detailed Description with an earlier amendment to Example 2. An earlier amendment to Example 2 was filed on July 23, 2004 (See page 18 of amendment) in which the specification at page 31 was amended to reflect an obvious mathematical/typographical error.

As previously explained, Variant 7 of Example 2 incorrectly reflected the number of variable codons for the consensus sequence HRDIAAR. The second codon, arginine (R) inadvertently omitted its (c/a) variation and was not correctly counted as having two positions that were variable. The full variation in this arginine codon was described in the original disclosure. Because of the missed variable, the calculated complexity was shy by 32. This was corrected in Example 2; but, the Detailed Description on page 14 included a discussion of this consensus sequence and requires similar correction.

More specifically, the amendment of July 23, 2004 to the nucleotide "Consensus Sequence" for Variant 7 of Example 2 on page 31, line 5, corrected the following typographical error. The originally filed sequence as submitted appeared as:

<u>CAC</u>	<u>G (A/G)</u>	<u>GA (C/T)</u>	<u>ATT</u>	<u>GC (C/T)</u>	<u>GCC</u>	<u>(A/C) G (A/G)</u>
H	R	D	I	A	A	R

The following explanation of the error was provided:

The three-letter codon, encoding the first "R" or Arg, contained only two nucleotide positions of the three required for amino acid translation. The two member nucleotide sequences from which the "Variant 7" "Consensus Sequence" was derived are SEQ ID NOS:265 and 267. The codons for the "R" in the "Signature Motif" are underlined in the sequences below:

aatcacttcatccacagggatattgccgcccgaactgcctgctgagc	(SEQ ID NOS:265)
N H F I <u>H R D I A A R</u> N C L L S	(SEQ ID NOS:266)
aaccacttcatccaccgagacattgctgccagaaactgcctcttgacc	(SEQ ID NOS:267)
N H F I <u>H R D I A A R</u> N C L L T	(SEQ ID NOS:268)


By inspection, it can be seen that the "agg" and "cga" codons are represented by only the last two nucleotide positions in the consensus sequence, whereas the first position "a" and "c" options are missing. Insertion of "(A/C)" for the first position is justified by their presence in the appropriate positions for the "R" codon in the sequences from which the "Consensus Sequence" is derived. The IUPAC symbol "m" for this position was included in the corresponding sequence entered in the Sequence Listing (SEQ ID NO:296) to account for this insertion. This results in the corrected "Consensus Sequence" as amended, with the inserted options "A/C" for nucleotides in the first position of the second codon with a double underline as follows:

<u>CAC</u>	<u>(A/C)G(A/G)</u>	<u>GA(C/T)</u>	<u>ATT</u>	<u>GC(C/T)</u>	<u>GCC</u>	<u>(A/C)G(A/G)</u>
H	R	D	I	A	A	R

Having explained that the proposed amendments to paragraphs 40 and 41 reflect the earlier amendments to Example 2 and that they do not constitute new matter, applicants request entry of the amendments.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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Attachments
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